

**MY NAME IS LEON WEISS AND I AM A LAWYER FROM SOUTHFIELD, MI. I HAVE BEEN PRACTICING CRIMINAL DEFENSE LAW FOR 35 YEARS. I AM PRIVILEGED TO REPRESENT LEON WALKER OF ROCHESTER HILLS, MI., IN A CRIMINAL CASE PENDING IN OAKLAND COUNTY CIRCUIT COURT. IN 2010 OAKLAND COUNTY PROSECUTOR JESSICA COOPER CHARGED LEON WITH A FIVE YEAR FELONY UNDER MCL 752.795, COMMONLY KNOWN AS THE MI. ANTI HACKING LAW. HIS ALLEGED CRIMINAL CONDUCT? WHILE LIVING WITH HIS THEN WIFE IN THE MARITAL HOME IN ROCHESTER HILLS, HE ACCESSED AND LOOKED AT HER E MAIL. THIS WAS ON A SHARED LAPTOP THAT HE BOUGHT. LEON IS A COMPUTER TECH FOR OAKLAND COUNTY AND HE SET UP HIS WIFE'S E MAIL ACCOUNT, SO HE KNEW HER PASSWORD. HE DID NOT HACK INTO THE ACCOUNT. THE COUPLE WERE IN PROCESS OF DIVORCE PROCEEDINGS. LEON WAS CLARA WALKER'S 3<sup>RD</sup> HUSBAND. THEY HAVE A DAUGHTER WHO WASN'T YET TWO BACK IN 2010. CLARA'S**

**SECOND HUSBAND HAD BEATEN HER AND SHE CHARGED HIM WITH DOMESTIC VIOLENCE. LEON BELIEVED STRONGLY CLARA WAS HAVING AN AFFAIR WITH THE ABUSER AND HE WAS SCARED HIS DAUGHTER AND HIS YOUNG STEPSON, FROM HUSBAND NUMBER 1, WERE BEING TAKEN OVER TO THE ABUSER'S HOUSE BY CLARA. AFRAID FOR THE KIDS' SAFETY, HE DID CONFIRM THROUGH HER E MAILS THAT SHE WAS HAVING AN AFFAIR WITH THE ABUSIVE HUSBAND #2. HE FELT IT WAS HIS MORAL AND LEGAL DUTY TO SHARE THE E MAILS WITH HUSBAND #1, SO HIS YOUNG SON WOULD NOT BE TAKEN TO THE HOME OF THE ABUSER.**

**CLARA REPORTED THIS TO THE SHERIFF AND WAS TOLD IT WAS A CIVIL MATTER FOR DIVORCE COURT. SOMEHOW, LATER, IT WAS PRESENTED TO THE OAKLAND COUNTY PROSECUTOR WHO ISSUED THE WARRANT AGAINST LEON FOR VIOLATION OF THE ANTI HACKING STATUTE. HE FACES A TRIAL ON MARCH 1, 2012 UNLESS REP. MCMILLIN'S AMENDMENT IS PASSED INTO LAW.**

**NOBODY HAS EVER BEEN CHARGED WITH THIS 5 YEAR FELONY FOR ALLEGED SPOUSAL E MAIL SNOOPING. EVERY OTHER PROSECUTOR IN MICHIGAN KNOWS THE STATUTE WAS NOT INTENDED TO EMBRACE THIS CONDUCT, BUT RATHER SERIOUS CASES OF HACKING INTO GOVERNMENT, BUSINESS, FINANCIAL AND OTHER INSTITUTIONS' COMPUTER SYSTEMS. IF SPOUSES WISH TO DRAW PERSONAL PRIVACY LINES REGARDING THEIR E MAIL ACCOUNTS WITHIN THE MARRIAGE, SO BE IT. HOWEVER, A FIVE YEAR FELONY STATUTE SHOULD NOT BE MISUSED IN THIS MANNER. I OBTAINED A STAY FROM THE COURT OF APPEALS AND THE 3 JUDGES WHO GRANTED IT SAID "THEY HAD SERIOUS DOUBTS THIS STATUTE WAS ENACTED TO COVER DOMESTIC RELATIONS DISPUTES OF THIS NATURE". HOWEVER, 3 DIFFERENT JUSTICES WHO HEARD THE APPEAL SAID SINCE NO SPOUSAL OR PARENTAL EXCEPTION WAS IN THE STATUTE, THEY COULD NOT LEGISLATE ONE.**

**WE RESPECTFULLY DISAGREED, BUT THAT IS WHY WE ARE HERE TODAY. THIS AMENDMENT EXCLUDES SPOUSES AND PARENTS FROM THIS FELONY STATUTE. MY CLIENT HAS BEEN DESTROYED BY THIS PROSECUTION; EMOTIONALLY, FINANCIALLY AND HIS GOOD NAME HAS BEEN SLANDERED. HE HAS BEEN UNABLE TO WORK FOR OVER A YEAR.**

**I HAVE FAITH A JURY WILL ACQUIT HIM, BUT HE SHOULD NOT HAVE TO UNDERGO THE STRESS AND RISK THAT A JURY TRIAL PRESENTS. PASSING THIS AMENDMENT INTO EFFECTIVE LAW AS SOON AS POSSIBLE IS HIS LAST HOPE. THE TRIAL, ONCE AGAIN, IS SET FOR 3.1.12.**

**I UNDERSTAND THE CONCERNS OF THE DEPT. OF HUMAN SERVICES DOMESTIC VIOLENCE GROUP, BUT RESPECTFULLY, I HAVE REPRESENTED DOMESTIC VIOLENCE OFFENDERS AND VICTIMS FOR 35 YEARS. E MAIL SNOOPING AMONG SPOUSES IS SIMPLY NOT A CAUSE OF DOMESTIC VIOLENCE. IN**

ANY EVENT, EVEN IF THERE WERE A CORRELATION, WITHOUT THIS AMENDMENT THE ACT OF SPOUSAL E MAIL SNOOPING WOULD BE SUBJECT TO FIVE YEARS IN PRISON, WHILE A TRUE ACT OF DOMESTIC VIOLENCE WOULD ONLY SUBJECT THE PERPETRATOR TO ONE YEAR. THIS IS LUDICROUS. THE PROPOSAL FROM THE DEPT. OF HUMAN SERVICES TO INSERT INTO THE AMENDMENT THAT SPOUSES WOULD BE EXCLUDED FROM PROSECUTION UNDER 752.795 “UNLESS THEY HAVE COMMITTED” DOMESTIC VIOLENCE IS NOT NECESSARY. BUT, IF YOU CONSIDER SUCH A CHANGE, THE WORD SHOULD BE “CONVICTED” NOT “COMMITTED”, BECAUSE COMMITTED IS SIMPLY TOO BROAD.

THE COURT OF APPEALS DID NOT WANT TO LEGISLATE A SPOUSAL OR PARENTAL EXCEPTION TO 752.795, SO THIS BODY AND THE SENATE MUST STEP IN AND STOP THE INSANITY, BY DOING SO. TIME IS OF THE ESSENCE.

**THANK YOU VERY MUCH.**

**LEON J. WEISS**

**COUNSEL FOR LEON WALKER**